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JANUARY 27, 2018

Re: Porter v. Bunch, et al., No. 16 Civ. 5935 (KMK)

Dear Judge Karas:

I represent Plaintiff Melvin Porter in the above-captioned Section 1983 action. As the Court knows, there is pending partial motion to dismiss Mr. Porter's claims against DOCCS Sergeant Bunch relating to a water-deprivation order and I recently filed Plaintiff's Third Amended Complaint with the Court's leave.

Before anything, and as the Court has undoubtedly seen, I have committed multiple technical errors in filing the Third Amended Complaint which has resulted in my cluttering the docket with deficiency notices. I apologize to the Court, Counsel and the Clerk. Just prior to filing this letter, I filed the TAC again and this time I believe I corrected the technical filing errors. Docket No. 71. I note that the TAC's content has remained the same over the course of the filing problems.

I write in response to Defendants' request for an extension of time to respond to the TAC. Docket No. 70. Plaintiff defers to the Court's decision and makes no objection.

For the Court's and Counsel's convenience, I would like to mention the following about the TAC: Because the Parties previously fully briefed Defendants' partial motion to dismiss with paragraph citations to the Second Amended Complaint, the TAC preserved all of the SAC's paragraph numbers. Additional TAC allegations appear at alphanumeric paragraphs for easy identification of what is different.

Finally, I note that while Defendants stated that the TAC is eleven pages longer than the SAC, in fact I think this overstates the increase by four pages. This may be a distinction without a difference, I am certain Defendants' miscount was unintentional, and I have certainly made my own unintended errors recently (see supra regarding my filing flubs). Even still, I decided in favor of making this clarification lest the Court think I tipped into unreasonable territory.

Thank you.

Sincerely,

Ryan Lozar